

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JASON L. WESTERFIELD,)	CASE NO. 1:19-cv-1733
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
WARDEN BRANDESHAWN HARRIS,)	
)	
RESPONDENT.)	

Before the Court is the Report and Recommendation (“R&R”) of a magistrate judge with respect to the above-entitled petition for writ of habeas corpus. (Doc. No. 19.) The R&R recommends dismissal of the petition in part and denial in part.

Under 28 U.S.C. § 636(b)(1)(C):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

The R&R was filed on March 31, 2022, and was sent to petitioner Jason Westerfield (“Westerfield”) that same day by regular mail. As of the date of this order, no objections have been filed, no extension has been requested, and no mail has been returned as undeliverable.

The failure to file written objections to a magistrate judge’s report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985), *reh’g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the magistrate judge's R&R and accepts the recommendation that denial of the petition is appropriate because all nine (9) grounds fail on the merits and, additionally, that grounds one and seven (to the extent it is expanded in the traverse) are both procedurally defaulted.

Accordingly, the Court denies the petition in its entirety for the reasons set forth in the R&R. Further, the Court certifies that an appeal from this decision could not be taken in good faith and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: April 18, 2022



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE